**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Public Services – PR&RD – Allegation of corruption of demand and acceptance of bribe - Case under the Prevention of Corruption Act, 1988 against Sri Polluri Sivannarayana, Technical Officer, O/o Executive Engineer, PRI Division, Guntur (who was trapped on 31-10-2015 and retired from the service on 31-12-2017) - Disciplinary proceedings under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 read with Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 - Article of charges – Issued.

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**PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT**

**G.O.RT.No. 497** **Dated: 26-08-2020**

**Read**:

G.O.Ms.No.656 PR&RD (Vig.II) Deptt., dated:26-8-2020.

**ORDER:**

In pursuance of the sanction accorded in the reference read above, under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 for instituting departmental proceedings against Sri Polluri Sivannarayana, Technical Officer, O/o Executive Engineer, PRI Division, Guntur (who was trapped on 31-10-2015 and retired from the service on 31-12-2017), in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri Polluri Sivannarayana, Technical Officer, O/o Executive Engineer, PRI Division, Guntur(who was trapped on 31-10-2015 and retired from the service on 31-12-2017), is directed to submit a written statement of his defence, within ten(10) days of the receipt of this order.

4. Sri Polluri Sivannarayana, Technical Officer, O/o Executive Engineer, PRI Division, Guntur(who was trapped on 31-10-2015 and retired from the service on 31-12-2017), is informed that an enquiry will be held only in respect of article of charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri Polluri Sivannarayana, Technical Officer, O/o Executive Engineer, PRI Division, Guntur(who was trapped on 31-10-2015 and retired from the service on 31-12-2017), is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Attention of Sri Polluri Sivannarayana, Technical Officer, O/o Executive Engineer, PRI Division, Guntur(who was trapped on 31-10-2015 and retired from the service on 31-12-2017), is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these

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proceedings, it will be presumed that Sri Polluri Sivannarayana, Technical Officer, O/o Executive Engineer, PRI Division, Guntur(who was trapped on 31-10-2015 and retired from the service on 31-12-2017), is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Polluri Sivannarayana, Technical Officer,
O/o Executive Engineer, PRI Division, Guntur
(who was trapped on 31-10-2015 and retired from the service on 31-12-2017) through the Engineer-in-Chief, Panchayat Raj, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Vijayawada.
(in duplicate with a request to serve and return the dated acknowledgement copy)

Copy to:
The Director General, ACB, Vijayawada.
The Secretary to VC, APVC, Velagapudi, Amaravathi.
The PR&RD (Estt.I) Department.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

(Annexure to G.O.Rt.No.497 PR&RD (Vig.II) Dept., Dt:26-08-2020)

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI POLLURI SIVANARAYANA, TECHNICAL OFFICER, OFFICE OF THE E.E, PRI DIVISION, GUNTUR DISTRICT

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That Sri Polluri Sivanarayana, S/o Ramadasu, is a native of Tamirisa Village, Gudivada Mandal, Krishna District. His date of birth is 20.12.1957 and he joined in Government service as tracer on 25.3.1981 and was promoted as Draftsman Grade-ll on 21.11.1997 and worked as Technical Officer on duty in the office of the EE, PR, PIU Division, Guntur from 2.4.2015 till 31.10.2015 (till the date of trap). While working as Technical Officer in the office of E.E., P.R.I Division, Guntur, Sri Polluri Sivanarayana, has committed grave misconduct in as much as.

CHARGE:

That the above said retired Government Servant i.e., Sri Polluri Sivanarayana, S/o Ramadasu, while working as Technical Officer in the O/o Executive Engineer, P.R.I Division, Guntur, had demanded bribe of Rs.8,000/- on 9-10-2015 and 26-10-2015 and again he reduced the bribe to Rs.5,000/- on 29-10-2015 and finally on the date of trap i.e., on 31-10-2015 he further demanded and accepted a bribe of Rs.5,000/ from the complainant, to process and to submit the file of complainant to superiors, to register the complainant as Class-V Contractor and issue Class-V Contractor license accordingly.

Thus, Sri Polluri Sivanarayana, S/o Ramadasu by his above mentioned acts, has exhibited lack of integrity, devotion to duty, conduct unbecoming Member of Government Service and placed his official position under embarrassment and thereby violated Rule 3(1) and (2) of A.P.C.S. Conduct, Rules, 1964 *r*/w Rule 9 of A.P. Revised Pension Rules, 1980.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE – II

(Annexure to G.O.Rt.No.497 PR&RD (Vig.II) Dept., Dt:26-08-2020)

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI POLLURI SIVANARAYANA, *S/*O RAMADASU, FORMERLY TECHNICAL OFFICER, OFFICE OF THE EE, PRI DIVISION, GUNTUR DISTRICT

<o>

That Sri Polluri Sivanarayana, S/o Ramadasu, is a native of Tamirisa Village, Gudivada Mandal, Krishna District. His date of birth is 20.12.1957 and he joined in Government service as Tracer on 25.3.1981 and was promoted as Draftsman Grade-Il on 21.11.1997 and worked as Technical Officer on duty in the office of the EE, PR, PIU Division, Guntur from 2.4.2015 till 31.10.2015 (till the date of trap). His present basic pay is Rs.67,990/-. He was retired from service on 31.12.2017 on attaining the age of superannuation. He is herein after referred as the Retired Government Servant.

IMPUTATIONS:

On a complaint lodged by Sri Gorijala Karuna Ramana S/o Venkata Satyanarayana, aged 55 yrs, 6th line, Brindavan Gardens, Guntur that the retired Government servant demanded bribe of Rs.8,000/- on 9-10-2015 and 26-10-2015. Subsequently, the bribe was reduced to Rs.5,000/- on 29-10-2015 from Sri Gorijala Karuna Ramana for showing official favour to process and to submit the file of complainant to superiors, to register the complainant as Class-V Contractor and issue Class-V Contractor license accordingly.

The said complaint was registered as a case in Cr.No.16/R.CT-ACB-GNT/2015 U/s 7 of the Prevention of Corruption Act, 1988 on 31-10-2015 at 12-30 hrs against the retired Government servant and investigated into.

The pre-trap actions were recorded in the mediators report No.1 on 31.10.2015 from 12.45 hours to 14.00 hours in the office of the DSP, ACB, Guntur mentioning the demonstration of chemical test, instructions issued to the complainant and other trap party members.

On 31.10.2015 at about 15.00 hours the retired public servant was successfully trapped when he further demanded and accepted the bribe amount of Rs.5000/- from the complainant for showing the above mentioned official favour. The DSP conducted chemical test on both hand fingers of the retired public servant, as a result, both hand fingers of the retired Government servant yielded positive result. On questioning about the bribe amount, he took out a bunch of currency notes of Rs.5,000/- (Rs.1,000 X 5) from his table's right side drawer and handed over to one of the mediators. The mediators counted and compared the numbers and denominations of those currency notes with that of the currency notes noted in pre-trap proceedings and found them tallied. When searched the table's right side drawer of the retired Government servant from where the retired Government Servant produced the tainted amount, it is found that there are some applications applied for contractors registration including the application of the complainant, in the said table drawer. The chemical test conducted on the surface of the applications found in the table drawer of retired Government servant also yielded positive results. The DSP seized the resultant solutions, the tainted currency

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On questioning about the presence of the bribe amount the retired Government servant informed that on 31-10-2015 at about 2.55 PM when he was alone present at his seat in the office while the other employees went for lunch, the complainant came to him gave some money to him as gratification to do his work without his demand. On receiving it he put the said amount in his table's right side drawer. Within no time, ACB Officials came and surrounded him.

Then the DSP secured the presence of (1) Sri Gaddam Mutyam Babu along with his office staff by names (2) Sri Gandham Pothu Raju S/o China Veeraswamy, aged 59 yrs, Asst. Engineer, O/o Executive Engineer, PRI Division, Guntur R/o D. No.8-7-79, Nehrunagar, 4th line, Guntur, Ph.No.9441077798, (3) Sri Tondamalla Venkata Satyanarayana S/o Venkateswarlu, aged 46 yrs, Asst. Engineer, O/o Executive Engineer, PRI Division, Guntur R/o D.No.4-14-34/B, Anjenayapet, Koritepadu, Guntur. Ph.No.9491583634, (4) Sri Talluri Rajani Kanth S/o Peter Paul, aged 43 yrs, Asst. Executive Engineer, O/o Executive Engineer, PRI Division, Guntur R/o D.No.6-14-67, 14/3 Lane, Arundalpet, Guntur. Ph.No.8885218847 and (5) Smt. Vankudavath Santhi Bai W/o Babu Rao Naik, aged 30 yrs, Attender, O/o EE, PRI Division, Guntur R/o Z.P. Quarters No.C.12, Guntur and recorded their statements in detail.

Then the DSP verified all the applications that were received by the retired Government servant, which were present in the retired Government servant table's right side drawer which are five in number and the details are as follows: -

First application is that of the complainant. It consists of 5 sheets including original Banker's Cheque. 1st sheet is application of complainant having his photograph on the top right side corner with phone number of the complainant as 9949899915. 2nd sheet is Andhra Bank banker's cheque issued in the name of PAO(W&P), Guntur for Rs. 1,000/- dated 05-10 2015. 3rd sheet is experience certificate issued in favour of the complainant by Sri Srinivasa & Co, Class-l contractor, Guntur. 4th sheet is Solvency certificate issued by the Senior Branch Manager, Syndicate Bank, Brindavan branch, Guntur vide reference No.3276/Solvency/2/2015 dt:08-10-2015. 5th sheet is copy of Pan Card of complainant.

2nd is Sri Shaik Kalesh S/o Khadar Vali R/o Tarakarama Nagar, Kakani road, Guntur. This application consists of 5 sheets. 3rd one is Sri Uppala Rama Rao Chowdary, R/o D.No.45-29/99-1A, Guntur. This application consists of 4 sheets, 4th one is Sri Patibandla Balaiah's application it consists of 5 sheets. 5th one is Sri Puli Ramanaiah S/o Chinnaiah, Krishna Babu nagar, Gujjanagundla, Guntur. This file consists of 14 sheets.

On all the above five applications no signatures/initials of retired Government servant as well as E.E. were present. The DSP and mediators signed on them except on the banker's cheques. There after the DSP got Xeroxed them through his men, attested the Xerox copies by the E.E. and mediators, seized the attested Xerox copies of the all the five above noted applications for the purpose of further investigation.

After completion of investigation a notice was served on the retired Government servant (C.O)on 5.12.2015 and the Charged Officer (now retired Government servant submitted his explanation in writing on 12.12.2015 denying the allegations and the same was rightly rebutted.

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Thus the oral and documentary evidence available on the record is sufficient to substantiate the allegation of demand and acceptance of bribe of Rs.5,000/- by the C.O (now retired Government servant from complainant, to make process and to submit the file of complainant to superiors, to register the complainant as Class - V Contractor and issue Class -V Contractor license, accordingly.

The Government vide its Memo No.10197/Vig.II/2016-4 PR & RD (Vig.II) Department dated: 6.12.2017 decided to initiate disciplinary action and entrust the case to the Commissioner of Inquiries for detailed enquiry against the retired Government Servant into the above mentioned allegation.

Thus the retired Government Servant Sri Polluri Sivanarayana, S/o Ramadasu retired Technical Officer, office of the EE, PRI Division, Guntur by his above mentioned acts had exhibited lack of integrity, devotion to duty and thereby violated Rule 3(1) and (2) of A.P.C.S (Conduct) Rules, 1964 and thereby rendered himself for regular departmental action under Rule 9 of A.P Revised Pension Rules 1980 as he was retired from service.

Therefore the Charged Officer is liable for Departmental Action for major Penalty.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-III

(Annexure to G.O.Rt.No. 497 PR&RD (Vig.II) Dept., Dt:26-08-2020)

LIST OF WITNESSES IN CR.NO.16/RCT-ACB-GNT/2015 OF ACB, GUNTUR

| S.No. | Name and address of witness |
|---|---|
| 1 | Sri Gorijala Karuna Ramana S/o. Satyanarayana, aged 55 yrs, 6 line, Brindavan Gardens, Guntur.. |
| 2 | Sri Gaddam Mutyam Babu Slo late Babji Rao, aged 51 yrs, Executive Engineer, PRI Division, Guntur R/o Flat No. 401, Kanaka Dara Residency, Pattabhipuram, Guntur |
| 3 | Sri Gandham Pothu Raju S/o China Veeraswamy, aged 59 yrs, Asst. Engineer, Olo Executive Engineer, PRI Division, Guntur R/o D. No. 8-7-79, Nehrunagar, 4th line, Guntur. |
| 4 | Sri Tondamalla Venkata Satyanarayana S/o. Venkateswarlu, 46 yrs, Asst. Engineer, *Ol*o Executive Engineer, PRI Division, Guntur R/o D. No. 4-14-34/B, Anjenayapet, Koritepadu, Guntur. |
| 5 | Sri Talluri Rajani kanth S/o. Peter Paul, aged 43 yrs, Asst. Executive Engineer, *Ol*o Executive Engineer, PRI Division, Guntur R/o D. No. 6-14-67, 14/3 lane, Arundalpet, Guntur. |
| 6 | Smt. Vankudavath Santhi Bai w/o Babu Rao Naik, aged 30 yrs, Attender, Olo EE, PRI Division, Guntur R/o Z.P. quarters No. C. 12, Guntur. |
| 7 | Sri Muppa Gangaiah S/o. Subbaiah (late), 62 yrs, Spl. Class - \| Civil Contractor r/o. Dr. No. 1-2-83, 6th lane, SVN Colony, Guntur. |
| 8 | Sri Sk. Kalesha Slo. Khadar Vali, 45 yrs, Class - V contractor *r/*o. Dr. No. 15-15-69, Tarakarama nagar, behind Golden Tobacco Company, Guntur. |
| 9 | Sri Patabandla Balaiah S/o. Chukkaiah, 49 yrs, Class - V contractor, *rl*o. Dr. No. 1-302, Jalalapuram Village, Pedakurapadu Mandal, Guntur District. |
| 10 | Sri Pottella Kumara Swamy S/o. Penchalaiah, aged 46 yrs, Sub-Treasury Officer, District Treasury Office, Guntur R/o D. No. 24-1-443, Mulapet, Nellore District. |
| 11 | Sri Sikakolli Lakshmi Srinivasa Rao *Sl*o Yagna Narayana, aged 40 yrs, Senior Accountant, District Treasury Office, Guntur R/o D. No. 1-81, Garikapadu village, Tadikonda Mandal, Guntur district. |
| 12 | Smt. K. Pratusha Kumari, B.Com., LLm., The Hon'ble IV Additional Junior Civil Judge, Guntur. |
| 13 | Sri Ch. D. Santho, Deputy Supdt. of Police, ACB, Guntur. |
| 14 | T. Narasimha Reddy, District Inspector, Anti-Corruption Bureau, Guntur |
| 15 | Sri. Sk.Firoz, Inspector, formerlyACB, Guntur |
| 16 | Sri.Ch.Ravibabu, Inspector, ACB, Guntur |
| 17 | Any other witness produced during the course of enquiry. |

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-IV

(Annexure to G.O.Rt.No. 497 PR&RD (Vig.II) Dept., Dt:26-08-2020)

LIST OF DOCUMENTS RELIED UPON

| Sl. No. | Particulars of Documents |
|---|---|
| 1 | Report of Sri Gorijala Karuna Ramana (Complainant), addressing to the DSP, ACB, Guntur, dt. 30-10-2015. |
| 2 | FIR in Cr.No. 16/RCT-ACB-GNT/2015 U/s 7 of P.C. Act, 1988, dt: 31-10-2015 of ACB, Guntur. |
| 3 | Mediators' Report-I drafted in the office room of Dy. Supdt., of Police, ACB, Guntur, situated at Guntur on 31-10-2015, between 1245 hours to 1400 hours |
| 4 | Mediators' Report-II drafted at the drawing branch room of O/o. Executive Engineer, PRI Division, Guntur from 1515 hours to 2030 hours on 31.10.2015. |
| 5 | Rough sketch of the scene of offence dt. 31-10-2015. |
| 6 | Attested copies of five files i.e., 1 file is application file of complainant Sri G. Karuna Ramana consists of 5 sheets, 2nd is Sri Shaik Kalesh Slo Khadar Vali r/o Tarakarama Nagar, Kakani road, Guntur. This application consisting of 5 sheets. 3rd one is Sri Uppala Rama Rao Chowdary r/o D. No. 4-5-29/99-1A, Guntur. This application consisting of 4 sheets. 4th one is Sri Patibandla Balaiah's application. It consisting of 5 sheets. 5th one is Sri Puli Ramanaiah Slo Chinnaiah, Krishna Babu nagar, Gujjanagundla, Guntur. This file consists of 14 sheets. |
| 7 | Original five files of 1) Sri P. Jagadesh Chandra S/o Rama Krishna, Mandepudi village, Amaravathi Mandal, file consists of 5 sheets (2) M/s Team worker projects, file consists of 4 sheets (3) Shaik Khasim S/o Baji, Pedakakani village, Guntur district, file consists of 7 sheets (4) Gondi Tirupathi rao S/o Mohana Rao, Siripuram village, Medikonduru Mandal, Guntur district, file consists of 6 sheets and (5) P. Naveen Kumar S/o Babu Rao, BK palem village, Kakumanu Mandal, Guntur district, file consists of 6 sheets. |
| 8 | Attendance Register of the office of EE, PRI Division, Guntur .... One Register. |
| 9 | Attested copy of joining report of the A.O. Sri Potluri Sivannarayana at the O/o EE, PRI Division, Guntur... one page. |
| 10 | 161 Cr.P.C.Statement of Sri Gorijala Karuna Ramana S/o. Satyanarayana, aged 55 yrs, 6th line, Brindavan Gardens, Guntur. |
| 11 | 161 Cr.P.C.Statement of Sri Gaddam Mutyam Babu S/o late Babji Rao, aged 51 yrs, Executive Engineer, PRI Division, Guntur R/o Flat No. 401, Kanaka Dara Residency, Pattabhipuram, Guntur. |
| 12 | 161 Cr.P.C.Statement of Sri Gandham Pothu Raju Slo China Veeraswamy, aged 59 yrs, Asst. Engineer, Olo Executive Engineer, PRI Division, Guntur R/o D.No. 8-7-79, Nehrunagar, 4th line, Guntur. |
| 13 | 161 Cr.P.C.Statement of Sri Tondamalla Venkata Satyanarayana S/o. Venkateswarlu, 46 yrs, Asst. Engineer, O/o Executive Engineer, PRI Division, Guntur R/o D. No. 4-14-34/B, Anjenayapet, Koritepadu, Guntur and his further statement under section 161 Cr.P.C. |

| | |
|---|---|
| 14 | 161 Cr.P.C.Statement of Sri Talluri Rajani Kanth S/o. Peter Paul, aged 43 yrs, Asst. Executive Engineer, O/*o* Executive Engineer, PRI Division, Guntur R/o D. No. 6-14-67, 14/3 lane, Arundalpet, Guntur and his further statement under section 161 Cr.P.C |
| 15 | 161 Cr.P.C.Statement of Smt. Vankudavath Santhi Bai w/o Babu Rao Naik, aged 30 yrs, Attender, Olo EE, PRI Division, Guntur R/o Z.P. quarters No. C.12, Guntur and her further statement under section 161 Cr.P.C |
| 16 | 161 Cr.P.C.Statement of Sri Muppa Gangaiah S/o. Subbaiah (late), 62 yrs, Spl. Class - \| Civil Contractor r/o. Dr. No. 1-2-83, 6th lane, SVN Colony, Guntur. |
| 17 | 161 Cr.P.C.Statement of Sri Sk. Kalesha S/o. Khadar Vali, 45 yrs, Class – V contractor r/o. Dr. No. 15-15-69, Tarakarama nagar, behind Golden Tobacco Company, Guntur. |
| 18 | 161 Cr.P.C. Statement of Sri Patabandla Balaiah Slo. Chukkaiah, 49 yrs. Class - *V* contractor, r/o. Dr. No. 1-302, Jalalapuram Village, Pedakurapadu Mandal, Guntur District. |
| 19 | Letter No. Supdt./716/15 dated 21.11.2015 of the EE, PR, PIU Division, Guntur along with job chart |
| 20 | Lr.Rc No.ATO/ACB Guntur/2018 dated 12.10.2018 of EE, PRI Division Guntur along with enclosures. |
| 21 | Letter No. Supdt./716/15 dated 18.11.2015 of the EE, PR, PIU Division, Guntur along with Citizen Charter and Service Particulars of Sri. P. Sivannarayana |
| 22 | Copy of 164 Cr.P.C. statement of L.W-1 recorded by the Hon'ble I*V* Additional Junior Civil Judge, Guntur on 30-11-2015. |
| 23 | Govt. Memo No. 1019*7 N*ig.11/2016-4 dated 6.12.2017 |
| 24 | Any other documents that may produced during the course of enquiry. |

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER